

Minority and Women's Business Enterprises Participation Plan

Mission

- Ensure Washington State Department of Transportation (WSDOT) provides the maximum practicable opportunity for certified Minority and Women's Business Enterprises (M/WBE) to participate in contracting, consulting and purchasing.

Goals

- Diverse competition will be the standard in all WSDOT contracting, consulting and purchasing.
- The participation of M/WBEs doing business with WSDOT, as measured by their dollar attainment, will reflect their availability.
- The number of certified firms doing business with WSDOT will also reflect their availability.
- Report activities and progress towards achieving M/WBE contracting, consulting and purchasing goals; measure, monitor and manage those activities and results as required by WAC 326-40-050.

Statement of Commitment from the Secretary

WSDOT has the ability to influence the depth and diversity of the vendor pool by promoting fair and open access for state business opportunities. We have a duty under the law, chapter 39.19 RCW, to ensure minority and women-owned firms are afforded the maximum practicable opportunity to participate in public contracting and purchasing. Per the Governor's 2006 Supplier Diversity Directive, "Minority and women-owned businesses are an integral part of our community and economy. Their economic prosperity is critical for the success of our state..." Affording maximum effort to increase utilization of M/WBEs improves the State's economic vitality, and helps the government get the best prices and values. WSDOT is committed to developing and monitoring new strategies and programs to ensure M/WBEs can compete equally with other businesses for state contracts.

Background

The people of Washington have held that the State may not discriminate or give preferential treatment based on race or gender in public contracting (Initiative 200: RCW 49.60.400). State law also establishes policy to mitigate societal discrimination in contracting and purchasing (RCW 39.19). The Governor has also directed agencies to increase their outreach and training efforts to M/WBEs (Directive 98-01 was issued to direct cabinet agencies on how to implement I-200) The M/WBE goals contained in our contracts are voluntary; that is, contracts and purchases shall not be awarded based on the attainment or non-attainment of the M/WBE goals. However, efforts to attain those goals, such as targeted outreach and technical assistance are required.

Strategic Approach

The Minority and Women's Business Enterprise Participation Plan relies on shared responsibility and accountability, within the various divisions and offices of WSDOT. WSDOT will utilize its relationships with partner entities to accomplish portions of the plan (see Partner Entities, page 6). Our emphasis is on improving M/WBE targeted outreach, access to opportunities, and ensuring M/WBE participation.

The Office of Equal Opportunity Director and the Manager of the Office of Purchasing and Materials Management have been designated as WSDOT's supplier diversity co-change agents. As co-change agents the above individuals are expected to:

- Be an advocate for minority and women owned businesses
- Identify opportunities within WSDOT
- Identify M/WBE firms for these opportunities
- Recommend that opportunities be sized for small businesses
- Encourage M/WBE Firms to be included on the various bid lists throughout WSDOT
- Disseminate M/WBE referrals to the appropriate WSDOT Office or Division
- Review existing supplier diversity efforts, assess their effectiveness, recommend improvements and corrective actions
- Develop a practical supplier diversity plan and biennial goal that fits the agency
- Obtain management and agency approval of the plan and goal
- Publish the plan and goal
- Identify barriers and problems with the implementation process and take corrective action
- Work with prime suppliers and general contractors to participate in the program and report subcontracting.

The above activities, established by OMWBE, are not inclusive of all the activities a change agent is responsible for.

The Office of Equal Opportunity Director is responsible for the development, management, and implementation of the Department's M/WBE Participation Plan. The Director reports directly to the Secretary of Transportation. The Office of Equal Opportunity Director may delegate liaison authority to the External Civil Rights Branch Manager or other appropriate staff. These responsibilities include:

- Provide agency-wide performance reporting, monitoring, planning, and coordination of the M/WBE Participation Plan.
- Work with businesses, stakeholders, partnering agencies and other governmental entities to assist WSDOT with increasing M/WBEs inclusion on contracting, consulting and purchasing activities.
- Develop realistic processes and procedures that will support and enhance interagency collaboration.
- Represents WSDOT at intergovernmental forums, networking events, and conferences to assist small businesses with access to contracting and purchasing opportunities.
- Provide for sufficient staff to administer the M/WBE Participation Plan.

- Administration of the M/WBE Participation Plan.

The External Civil Rights Branch Manager is responsible for the daily administration and implementation of the M/WBE Participation Plan and reports directly to the Office of Equal Opportunity Director. These responsibilities include:

- Develop, review and revise as necessary a departmental M/WBE Participation Plan Policy Statement.
- Create strategies for an effective agency wide M/WBE Participation Plan.
- Implement policy statements, program standards, and coordinate the external/internal communications of the policy statements and M/WBE Participation Plan.
- Monitor and evaluate the M/WBE Participation Plan effectiveness quarterly and re-evaluate and adjust the plan according to progress.
- In coordination with WSDOT's various divisions, develop and evaluate the department's general specifications, guidelines, policies, and regulations affecting the M/WBE Participation Plan.
- On a quarterly basis review the performance of each Division. This shall be accomplished by requesting Division M/WBE Participation Reports from OMWBE. These reports will be utilized as a progress measurement tool. A representative from the Office of Minority & Women's Business Enterprises (OMWBE) may also be invited to offer input and assistance. These quarterly performance reviews will also serve as a forum in which methodologies for inclusion and strategies to remove barriers will be discussed and if determined appropriate, adopted. The information contained within the performance reviews and the identified barriers shall be forwarded to OMWBE.

Following are all the Offices Making Contracting and Purchasing Decisions in WSDOT:

- Purchasing and Materials Management Office
- Consulting Services Office
- Construction Engineering Office
- Aviation Division
- Highways and Local Programs Division
- Public Transportation Division
- Real Estate Services
- Maintenance and Operations Division
- Washington State Ferries
- Freight Systems Division
- Regional Offices

The above mentioned offices and divisions are directly responsible for ensuring fair and open access to WSDOT contracting, consulting, purchasing and subcontracting opportunities. The personnel employed in these divisions are responsible for outreach to minority and women-owned businesses and helping them to understand WSDOT's bid processes and contract requirements. To properly implement the Governor's Supplier Diversity Directive, M/WBE outreach, recruitment, and assistance must be given adequate time and effort.

To Ensure the M/WBE Participation Plan is Implemented as Effectively as Possible, All Persons Making Contracting and Procurement Decisions are Required to:

- Identify each contract or procurement opportunity as far in advance as possible. Ask the following questions and take the following recommended actions:
 1. How will M/WBEs be involved in this opportunity?
 2. How will this opportunity be structured (e.g. regionally, functionally, or otherwise) to enhance opportunities for minority and women-owned business participation?
 3. How will the contract be sized (e.g. broken into smaller contracts) to allow M/WBEs the opportunity to compete?
- If a minority or women-owned business is not certified and may be eligible or if the firm has let their certification lapse, recommend the firm contact OMWBE and become certified. If the firm becomes certified within the Fiscal Year, WSDOT will receive participation credit for all the expenditures to the firm in that Fiscal Year.
- WSDOT buyers and contracting personnel shall assist business owners with finding contracting and purchasing opportunities delegated to other agencies and local governments.
- Use innovative strategies to enable M/WBEs to obtain access to opportunities and compete fairly with other businesses. Examples include:
 1. Alert partner agencies of upcoming opportunities and solicitations. They may be able to provide referrals and work with M/WBEs to help the firms bid competitively.
 2. Advertise opportunities in non-traditional media and via community-based organizations.
 3. Notify the largest number of certified firms available utilizing **both** Washington's Electronic Business Solution (WEBS) and the OMWBE Directory of Certified Firms available at: www.omwbe.wa.gov. Use the OMWBE Directory of Certified Firms to notify M/WBEs via email, fax and telephone of opportunities. If you are unable to find any certified firms on the directory or within WEBS contact the OMWBE Representative and they will be able to search for you and/or post it on OMWBE's Website. For more information regarding the assistance OMWBE can provide please see Appendix A.
 4. Invite M/WBEs to pre-bid conferences, walk-throughs and trainings on WSDOT's procedures and various requirements. Also, invite the OMWBE Representative to offer input and assistance in these sessions. When feasible, invite partner agencies to participate in the session and to facilitate networking opportunities among vendors and contractors.
- If the prime contractor names M/WBE subcontractors in their submittal, require the prime contractor to submit, at a minimum, quarterly Affidavit of Payments. Upon completion, these affidavits shall be forwarded to WSDOT's External Civil Rights Branch Manager. The Affidavit of Payments are used to give WSDOT credit for M/WBE participation in the Quarterly and Annual Participation Reports, which are sent to the Agency Change Agents, Legislature

and Governor. They also provide a sound measure of actual implementation of the program.

- Within each division keep track of M/WBEs that are repeatedly unsuccessful in securing business with WSDOT. Each division will then report this information to the Office of Equal Opportunity, where the information will be compiled and the businesses will be referred to the appropriate assistance organization (e.g. Small Business Administration, Procurement and Technical Assistance Centers, Contractor Development and Competitiveness Center, OMWBE, etc.).
- Within each division keep track of M/WBEs that are repeatedly non-responsive and provide the information to the Office of Equal Opportunity each quarter.
- Refer M/WBEs to bid on contracting opportunities in WSDOT and other agencies with delegated contracting authority (e.g. Department of General Administration, Information Services, etc.) and local governments.
- If contracting or purchasing personnel have questions regarding any item(s) within the M/WBE Participation Plan, WSDOT's Office of Equal Opportunity, External Civil Rights Branch employees can be of assistance.
- To ensure accountability the Performance Management Plans for all purchasing and contracting personnel and their respective managers will include the above mentioned duties.

Note: The above mentioned duties are the fundamental responsibilities which contracting and purchasing personnel shall perform. Each office and division may create their own Supplemental M/WBE Participation Plan which adds recommendations and requirements not outlined in the Agency-wide M/WBE Participation Plan.

Accountability

To ensure department wide accountability, the Office of Equal Opportunity, External Civil Rights Branch will participate in and accomplish the following activities:

- Work with other offices, (e.g. Consulting Services, WSF, etc.) to begin requiring Supplier Diversity Plans from Prime Contractors. The target date for completion is February 2009.
- WSDOT has its own internal Purchasing Manual. The Purchasing and Materials Management Office is presently rewriting the Manual which will include updated information regarding the M/WBE requirements. The target completion date for the new manual is 2009.
- WSDOT Construction Office and the Office of Equal Opportunity are presently in the process of updating the Construction, General Special Provisions and Standard Specifications Manuals to enhance the M/WBE requirements. The target completion date for these enhancements is January 2009.
- Develop, by June 30, 2009, a strategy for ensuring Purchasing and Contracting Personnel are consistent in their outreach and technical assistance provided to M/WBEs.

- Develop, by June 30, 2009, a departmental-wide M/WBE Reporting Process; see WAC 326-40-050.
- Designate specific Staff by June 30, 2009, within each division and office to monitor WSDOT's purchasing and contracting activities.

Training

Training is an important element in developing and implementing the M/WBE Participation Plan. The OMWBE Representative is available to train purchasing, contracting and fiscal personnel on the following topics:

- The Social and Economical Importance of Supplier Diversity
- Diverse Supplier Sourcing Techniques
- Proper OMWBE Reporting:
 - An introductory class is available through the Office of Financial Management
 - OMWBE is available to teach intermediary and advanced reporting classes
- The Benefits of Certifications. It is important for State contracting and purchasing personnel to attend this class as it provides employees with knowledge to speak with eligible or previously certified firms about the benefits of certification.

To ensure all data is reported accurately to OMWBE, all personnel responsible for entering payment data in TRAINS shall be required to take the OMWBE Proper Data Reporting Class, at least once. The target effective date for this action is January 1, 2009.

Partner Entities

An effective approach to increasing M/WBE utilization in WSDOT's contracting and purchasing is to involve other agencies, business development organizations and the diverse business community in developing and promoting outreach and providing technical assistance. These public agencies and community organizations include but are not limited to:

- The Northwest Minority Business Council (NMBC)
- AHANA (African, Hispanic, Asian, Native American Business and Professional Group)
- OMWBE
- National Association of Women in Construction (NAWIC)
- USDOT's Minority Resource Center Disadvantaged Business Enterprises Council
- The Women's Transportation Seminar (WTS)
- Seattle and Tacoma Urban Leagues
- Seattle Central Area Motivation Program (CAMP)
- African-American Partners for Prosperity (AAPP)
- El Centro de la Raza
- Tabor 100
- Society of Women Engineers

- Society of Hispanic Professional Engineers
- Strategic Women Alliance for Technology
- Community Capital Development
- Contractors Development and Competitive Center (CDCC)
- The various ethnic chambers of commerce

Some of these organizations help small businesses develop the skills, expertise, and capacity to compete more effectively on public contracts. Whereas others can assist with promoting targeted outreach to the minority and women business communities.

Performance Measures

Goal 1: Diverse competition will be the standard in WSDOT contracting, consulting and purchasing activities.

- **Objective 1.1:** Increase the solicitation rate of available M/WBEs on WSDOT contracts and purchases.

The outreach measures (outlined on page 5) have been designed to increase M/WBE utilization. As mentioned previously in the plan, the Office of Equal Opportunity will establish a process for Reporting & Accountability. Divisions, Offices and Regions will integrate measures and specify targets in their business plans as appropriate.

- **Objective 1.2:** Expand WSDOT's Goal Monitoring Committee, which is comprised of the individuals from various divisions within WSDOT and the OMWBE Representative. The committee meets monthly and will analyze WSDOT data to determine the extent and progress in increasing the utilization of M/WBEs in contracting and purchasing activities

Goal 2: The participation of M/WBEs doing business with WSDOT, as measured by their dollar attainment, will reflect their availability.

- **Objective 2.1:** Increase the amount of WSDOT business conducted with M/WBEs to the amounts indicated below.

<i>Target</i>	<i>Performance Measure</i>	<i>Goal to be Determined by</i>
Increase overall goal by 1% annually*	Percentage of WSDOT's goods expenditures with certified M/WBEs.	June 30, 2009
Increase overall goal by 1% annually*	Percentage of WSDOT's services expenditures with certified M/WBEs.	June 30, 2009
Increase overall goal by 1% annually*	Percentage of WSDOT's public works expenditures with certified M/WBEs.	June 30, 2009
Increase overall goal by 1% annually*	Percentage of WSDOT's professional services contracts, including architectural and engineering	June 30, 2009

*For example, the M/WBE utilization in state fiscal year 2007 was 2.43%, the goal for state fiscal year 2008 would be 3.43%. Once the target has been attained measures to maintain utilization will be created.

Goal 3: Report activities and progress towards achieving M/WBE contracting, consulting and purchasing goals; measure, monitor and manage those activities and results.

- **Objective 3.1:** Report accurate and timely information to OMWBE.

The above information includes the data required by WAC 326-40-050, regarding the provision of the data to OMWBE.

Individual Contracting Goals

WSDOT presently has a process in place for setting M/WBE construction and consulting contract goals. This process identifies subcontractable opportunities and the goals are set accordingly. All other divisions in WSDOT shall rely upon the annual voluntary goals established by OMWBE, pursuant to WAC 326-30-041, until June 30, 2009 when WSDOT, Office of Equal Opportunity will have established class of contract goals.

Monitor and Ensure Compliance by Prime Contractors

Per RCW 39.04.250, when a prime contractor receives payment from WSDOT, they have ten (10) working days to pay the subcontractor. If there is a dispute between WSDOT and the prime contractor or the prime contractor and the subcontractor there are dispute resolution processes in place. For more information regarding construction contracts payment dispute resolution processes please refer to the Standard Specifications Manual Section 1-09. WSDOT Consulting Services Office also has various procedures regarding payment dispute resolution, for more information please refer to the Consulting Services Procedural Manual.

Complaints of discrimination are handled by the Office of Equal Opportunity through its Title VI program, which prohibits discrimination or through the EEO contract clauses.

Data Reporting

Per WAC 326-40-050, WSDOT will work with various divisions to ensure the accuracy and timely transmittal of data to OMWBE. This includes the reporting of subcontractor data. Measure to report all subcontractor data are expected to be implemented by January 1, 2009.

August 1, 2008, on State funded construction contracts, prime contractors shall submit M/WBE Participation Plans with all construction contracts. Within the M/WBE Participation Plan Guidelines, if prime contractors utilize M/WBEs they will submit M/WBE Affidavits of Payment(s) specifying which M/WBEs were used on the construction contract and the dollar amount paid to the M/WBEs.

The Office of Equal Opportunity will review the M/WBE Participation Plans submitted by prime contracts, monitor their progress, and recommend changes to the plans to achieve greater M/WBE participation.

APPENDIX A

Resource Guide

OMWBE Directory of Certified Firms (BizNet):

BizNet is available at www.omwbe.wa.gov. This directory has four different search functions as follows:

- Firm Name
- Business Description
- SIC (Standard Industry Classification) Code
- NAICS (North American Industry Classification) Code

The easiest search method in BizNet is business description. When searching by business description it is best to use the shortest description possible. For example, if you are trying to find a firm performing janitorial services, you will receive the largest number of certified firms if you search for “janitor”, 56 certified firms, versus “janitorial services”, 21 certified firms. (This information was current as of March 25, 2008.) If you need assistance at any point with using the Directory of Certified Firms please call 360 704-1180 and ask for the “Technical Assistant”.

OMWBE Assistance

OMWBE has liaisons assigned to each Agency; WSDOT’s current liaison is Cathy Canorro, Agency Support Manager, who can be reached at 360 704-1187 or via email [at ccanorro@omwbe.wa.gov](mailto:ccanorro@omwbe.wa.gov). Cathy Canorro or a delegate can be of assistance in the following areas:

- Providing customized lists of certified firms
- Assisting purchasing/contracting personnel with developing outreach strategies
- Speaking at pre-bid meetings regarding the benefits of certification and importance of Supplier Diversity
- Posting opportunities on OMWBE’s website
- Providing training on the following topics:
 - Procedures for Proper OMWBE Reporting
 - Benefits of Certification
 - Importance of Supplier Diversity
 - Diverse Supplier Sourcing Techniques
- Contacting certified firms who are repeatedly non-responsive/non-competitive and offer assistance or referrals
- Assisting contracting and purchasing personnel with setting individual contract goals
- Facilitate problem solving (e.g. protests)
- Sending solicitations to certified firms

The above list is just an example of some of the areas OMWBE can provide assistance in; it is not inclusive of all of the assistance they can provide. For more information please contact OMWBE at 360 704-1180 and ask for an individual in the “Agency Support Division”.

APPENDIX B

Laws and Agency Rules

Revised Code of Washington (RCW)

- OMWBE RCW 39.19: <http://apps.leg.wa.gov/RCW/default.aspx?cite=39.19>
- Purchased Goods & Services, RCW 43.19.1906:
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.19.1906>
- Initiative 200, RCW 49.60.400:
<http://apps.leg.wa.gov/RCW/default.aspx?cite=49.60.400>
- Prompt Payment RCW 39.04.250:
<http://apps.leg.wa.gov/RCW/default.aspx?cite=39.04.250>

Washington Administrative Code (WAC)

- OMWBE WAC: <http://apps.leg.wa.gov/WAC/default.aspx?cite=326>

Other

- Standard Specifications Manual:
www.wsdot.wa.gov/publications/manuals/fulltext/M41-10/SS2008.pdf
- Consultant Services Procedures Manual:
www.wsdot.wa.gov/publications/manuals/fulltext/M27-50/ConsultantServiceProceduresManual.pdf